

NCA
VOC FOR PGM/FN
BACKGROUNDER NO. 5-5851
VERA HIRSCHBERG

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LAW OF THE SEA WRAPUP

ANNCR:

THE UNITED NATIONS LAW OF THE SEA CONFERENCE, WHICH ENDED AN EIGHT-WEEK GENEVA SESSION LAST WEEK, WILL RECONVENE IN NEW YORK AUGUST 21 TO TRY TO RESOLVE DIFFERENCES BETWEEN THE DEVELOPED WORLD ON HOW BEST TO FOSTER INTERNATIONAL COOPERATION IN THE OCEANS. VOA'S VERA HIRSCHBERG HAS A BACKGROUND REPORT.

VOICE:

IN MARCH, BEFORE HE LEFT FOR THE SEVENTH SESSION OF THE LAW OF THE SEA CONFERENCE, AMBASSADOR ELLIOTT RICHARDSON, THE CHIEF UNITED STATES DELEGATE, SAID THE GENEVA MEETING WOULD BE, IN HIS WORDS, "A MAKE-OR-BREAK SESSION". HE SUGGESTED THAT IF LAW OF THE SEA CONFERENCE COULD NOT GET OFF DEAD-CENTER, THAT IT HAD BETTER BE ABANDONED.

IT WAS WIDELY BELIEVED THEN THAT THE GENEVA SESSION WOULD MARK THE FINAL PHASE OF THE 154-NATION CONFERENCE, AND THERE WAS SOME HOPE FOR AGREEMENT ON BASICS FOR A TREATY ON USES OF THE WORLD'S OCEANS. HOWEVER, PROCEDURAL WRANGLING TIED UP THE WORK OF THE CONFERENCE THE FIRST THREE WEEKS, LEAVING ONLY FIVE WEEKS FOR SUBSTANTIVE WORK. AT A WASHINGTON PRESS CONFERENCE EARLIER THIS WEEK, MR. RICHARDSON PRAISED THE WORK THOSE FIVE WEEKS ON SO-CALLED "HARD-CORE" ISSUES AND SAID THAT ENOUGH PROGRESS WAS ACHIEVED ON THEM TO MAKE THE UPCOMING NEW YORK SESSION WORTHWHILE. THE AMBASSADOR CITED AS THE MOST NOTEWORTHY ACHIEVEMENT OF THE SEVENTH SESSION THE NEGOTIATION ON THE RIGHT OF ACCESS OF LANDLOCKED NATIONS TO THE RESOURCES OF THE 200-MILE ECONOMIC ZONE OF NEIGHBORING COASTAL STATES. HE NOTED THAT THE NEGOTIATIONS BROUGHT WITHIN REACH A CONSENSUS ON AN ISSUE ON WHICH THE

CONFEREES HAD PREVIOUSLY BEEN DEADLOCKED. OTHER AREAS, HE SAID, IN WHICH PROGRESS, BUT NO FINAL AGREEMENT, HAD BEEN REACHED WERE: DEFINITIONS OF NATIONAL JURISDICTION OVER THE CONTINENTAL SHELF'S OUTER LIMITS; THE METHOD OF SETTLING DISPUTES OVER FISH WITHIN EXCLUSIVE ECONOMIC ZONES; METHODS OF CONTROLLING MARTIME POLLUTION; AND SOME ASPECTS OF DEEP SEABED MINING.

THE ISSUE OF DEEP SEABED MINING IS ONE OF THE MOST DIFFICULT TO RESOLVE AND HIGHLIGHTS A BASIC AND LONG-STANDING DISPUTE IN THE SO-CALLED NORTH-SOUTH DIALOGUE BETWEEN THE INDUSTRIAL AND DEVELOPING WORLDS OVER HOW TO SHARE THE WORLD'S WEALTH. THE CONFERENCE MADE LITTLE PROGRESS ON THE BASIC QUESTION INVOLVED IN THIS DISPUTE -- WHAT LAWS SHOULD GOVERN A SEABED AUTHORITY COUNCIL TO REGULATE NATIONAL AND PRIVATE INDUSTRY'S DEEP SEA MINING OF THE VAST UNEXPLOITED RESOURCES OF THE OCEAN, SUCH AS COPPER, NICKEL, AND COBALT. THE UNITED STATES AND THE OTHER INDUSTRIALIZED NATIONS WHO WILL BE MINING THE RESOURCES AND SHARING THE PROFITS INTERNATIONALLY UNDER THE PROPOSED TREATY, INSIST ON VETO POWER OVER THE DECISIONS OF THE PROPOSED SEA BED AUTHORITY. THE DEVELOPING NATIONS, ON THE OTHER HAND, DEMAND THAT FINAL DECISIONS BE MADE BY MAJORITY RULE UNDER A ONE NATION, ONE-VOTE PRINCIPLE WHICH WOULD FAVOR THEM. IN A STATEMENT ISSUED AT HIS PRESS CONFERENCE, MISTER RICHARDSON SAID THE DIFFERENCES ON THIS ISSUE REMAIN, IN HIS WORDS, "CLEAR-CUT AND FUNDAMENTAL." HE SAID THAT THE EXECUTIVE AND OPERATIONAL ARM OF THE PROPOSED SEA BED AUTHORITY SHOULD REFLECT GEOGRAPHICAL BALANCE. BUT MORE IMPORTANTLY, HE SAID, IT SHOULD ALSO ASSURE ADEQUATE PROTECTION OF THE MAJOR ECONOMIC INTERESTS AFFECTED BY A DEEP SEA BED MINING TREATY. HE DEFINED THOSE INTERESTS AS THE PRODUCERS AND CONSUMERS OF THE METALS AND STRESSED THAT THEIR

PROTECTION MUST BE CLEAR AND CONVINCING IF THE MASSIVE INVESTMENTS REQUIRED ARE TO BE MADE.

ALTHOUGH AMBASSADOR RICHARDSON STRUCK A HOPEFUL NOTE ABOUT THE PROSPECTS FOR FURTHER NEGOTIATIONS LEADING TO AGREEMENTS ON A PROPOSED LAW OF THE SEA TREATY, SOME OF THE ACHIEVEMENTS HE PRAISED ARE CRITICIZED BY OTHERS. FOR EXAMPLE, ONE OF THE UNITED STATES LEADING OCEANOGRAPHERS, DOCTOR WILLIAM NIERENBERG, DIRECTOR OF THE SCRIPPS INSTITUTION FOR OCEANOGRAPHY, TOLD THE PRESS IN GENEVA THAT HE IS DISAPPOINTED, CONCERNED AND SHOCKED BY SOME AGREEMENTS REACHED SO FAR. DR. NIERENBERG IS PARTICULARLY CRITICAL OF THE PROPOSED TWO-HUNDRED MILE ECONOMIC ZONE DRAFT AGREEMENT WHICH, HE BELIEVES, WOULD MAKE OCEANOGRAPHIC RESEARCH WITHIN MANY ECONOMIC ZONES PRACTICALLY IMPOSSIBLE.

JS/RCS